

USSN: 10/786,608
Group Art Unit: 3677
Docket No.: 185P1US11

Remarks

Claims 34, 9 and 12 have been rejected under 35 U.S.C. 112. Claims 9 and 12 have been cancelled, thereby rendering the objection to them moot. Claim 34 has been amended to overcome the Examiner's objections. Specifically, the relationship between the screws, screw body and hinge flap that provides for the angular adjustment of the hinge flap have been further described. The two elements of the screw body to provide this function are now claimed. The adjustable screw body as well as a fastening screw are now both positively recited and it is respectfully submitted that this now overcomes the rejection under 35 U.S.C. 112.

The examiner has applied ISELE US 6553621 and LAUTENSCHLAGER US 5632064 against claims 34, 9 and 11, and 12, respectively.

The hinge of ISELE is a typical cabinet-hinge, absolutely unsuitable as a door hinge. It would therefore not be obvious to a person skilled in the art to resort to the teachings of ISELE in order to construct a door hinge as it would be non-analogous art. Further, the adjustment screw 12, 17, 18, 19, of ISELE has a center part 18 riveted to the outer screw 19, which means that the adjustment of the screw shifts the outer housing 3 relative to the base member 2. The base member 2 is affixed to inside of the cabinet by means of screws. As shown on fig. 2, the outer housing 3 snaps onto the base member 2. On fig. 12, the member 12 is for side adjustment, and the member 15 is for depth adjustment. Because the hinge flaps of a door hinge must abut when the door is closed, it is evident to a person skilled in the art that ISELE teaches a side and depth adjustable cabinet hinge, the structure of which could not be used as a door hinge. Fig. 5 of ISELE has a clamping screw 31 fitting into 32 on the outer housing or hinge arm 3. The two-headed screw 12 is rotary affixed to the arm 3 or outer housing by the two parts of the screw being riveted together at a bottom region thereof, see fig. 3 (and 4). Although ISELE teaches an adjustment screw 12, the way it is placed on the hinge structure is entirely different from the present claimed invention. Further, it will be noted that screw holes for attaching the hinge to the inner side face of a cabinet are in Fig. 2 between refs. 30 and 33, and in Fig. 5 to the right of ref. 30 (in the member 30 = base plate).

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The "provided for" language has been replaced with "an adjustable screw body is adjustably fastened in the frame member". This limitation is now therefore positively claimed. Further, while the adjustable screw body is described as for abutment with a part of the rear side of the first hinge flap, Applicant respectfully submits that this is a limitation and not just an intended use limitation. It is structural in that if the screw body is not positioned as claimed, it could not be for abutment with the rear side of the first hinge flap. Also, the fastening screw is claimed to "abut" part of a front face. Applicant respectfully submits that this also is not an intended use as it is positively recited that it abuts and this is not the same as "for abutment". For the aforementioned reasons with respect to the description of the ISELE patent, the structure of the ISELE patent is now not the same, and therefore does not anticipate the amended claim 34.

LAUTENSCHLAGER is also a cabinet hinge having a cabinet door 12 and a cabinet side wall 14. The way it is structured makes it absolutely unsuitable as a door hinge. Means for depth adjustment is provided, but not for side adjustment. The reference was cited against claim 12 (the second hinge part swappable onto the door). However, claim 12 has been deleted, and in view of claim 34 now properly defining the invention, claims related to the second hinge flap being snap able into a fitting on the door leaf should be considered allowable. Further subclaims indicate height adjustability of the hinge leaf when in the fitting.

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Accordingly, Applicant respectfully requests reconsideration in all of the claims remaining in this application. If the Examiner has any questions, the Examiner is requested to call the undersigned at 612-331-7415.

Respectfully submitted,

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